



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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**DRAFT**  
Further modifications  
to be added as a result  
of the Oct 9 Meeting

### PROPOSALS TO UPDATE WISCONSIN'S SHORELAND MANAGEMENT PROGRAM NR115 ADVISORY COMMITTEE RECOMMENDATIONS October 9, 2003

After a year of work, preliminary proposals to update the more than 30-year-old Shoreland Management Program in Wisconsin are completed. It took a dedicated advisory committee of over 25 people and a number of DNR staff and university consultants to generate the proposals outlined below. Chapter NR115, Wisconsin Administrative Code, contains statewide minimum standards designed to protect water quality, fish and wildlife habitat and scenic beauty along navigable lakes and rivers. The goal is to protect public rights in navigable waters while allowing property owners to make reasonable use of their properties. As in the past, each county in the state with unincorporated areas will continue to administer and enforce a county shoreland zoning ordinance which meets or exceeds the statewide minimum standards outlined in ch. NR115, Wis. Admin. Code. Because a statewide administrative code cannot tailor make provisions to protect all resources equally, counties always have the authority to create more protective standards better suited to local resource needs.

This document summarizes the Advisory Committee preferences and recommendations. In some cases, not all of the preferences of the advisory committee are listed in this document. To focus the efforts to update the program, some options were not included or were combined. For more detailed information on the advisory committee meetings and to review all the options presented and developed by the advisory committee, please refer to: [www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm](http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm) or contact Toni Herkert at 608-266-0161.

## I. SHORELAND SETBACKS

**CURRENT LAW:** All structures except piers, boat hoists, and boathouses shall be setback 75 feet from the ordinary high water mark (OHWM) of navigable waters.

### **PROPOSAL: Ordinary High Water Mark (OHWM) Setback.**

A setback of 75 feet from the OHWM of navigable waters shall be required for all buildings and structures, except piers and boat hoists.

The following structures may be permitted in the shoreland setback area:

- Stairways, walkways and mechanical lifts when required on steep, rocky, unstable or wet sites.
- Structures to allow reasonable accommodations for residences of handicapped or disabled persons.
- Open fences.

#### **Boathouse Options:**

##### **Proposal A**

Boathouses must be set back 75 feet from the OHWM.

##### **Proposal B**

Boathouses may be permitted in shoreland setback area.

## **DEFINITIONS - SECTION I**

“**Structure**” means any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, river bed, streambed or lakebed. For the purposes of this chapter, the term “structure” does not include: vegetation including landscaping and gardens; earthwork including grading, filling, ditches, berms, terraces and retaining walls; stormwater management devices; and erosion control devices. [modification of NR116.03(45)]

“**Shoreland Setback Area**” means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section. [s. 59.692, Wis. Stats.]

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## **II. SHORELAND BUFFERS**

**CURRENT LAW:** In the strip of land 35 feet wide inland from OHWM, no more than 30 feet in any 100 feet shall be clear-cut.

In shoreland areas more than 35 feet inland, trees and shrub cutting shall be governed by consideration of the effect on water quality and sound forestry and soil conservation practices.

These regulations do not apply to the removal of dead, diseased or dying trees or shrubs.

**PROPOSAL: Primary Buffer.** A buffer of native shoreland vegetation, parallel to the OHWM, and extending inland from the OHWM. Within the primary buffer, the following provisions apply:

- One viewing and access corridor (VAC) to the water allowed for each property.
- Vegetation removal prohibited, except for control of exotic or invasive species, removal of diseased plants, removal of trees or shrubs severely damaged by high winds, or because of an imminent safety hazard.
- Any vegetation removal requires replacement with native vegetation except for selective removal in VAC.

**Secondary Buffer.** A vegetated buffer extending inland from the primary buffer to the minimum OHWM setback line. Within the secondary buffer, the following provisions apply:

- Maintenance of a vegetated buffer required. Turf, groundcovers, or native ground layer vegetation would qualify as a vegetated buffer.
- Removal of trees and shrubs allowed.

**Viewing Access Corridor (VAC).** A corridor extending through the primary buffer, connecting the secondary buffer to the waterfront. Within the VAC, the following provisions apply:

- Maintenance of ground level vegetation required. Turf, groundcovers, or native ground layer vegetation would qualify as a ground level vegetation.
- Removal of trees and shrubs allowed if the VAC is not naturally occurring.

<p><b>Primary Buffer Depth:</b></p>	<p><b>Proposal A</b></p>	<p><b>Proposal B</b></p>
	<p>35-foot primary buffer + 40 foot secondary buffer =</p>	<p>50-foot primary buffer + 25 foot secondary buffer =</p>
	<p>75-foot OHWM setback</p>	<p>75-foot OHWM setback</p>

**Size of VAC:**

**Proposal A**

VAC = 30% of water frontage, not to exceed 30 feet wide

**Proposal B**

VAC = 30% of water frontage, not to exceed 50 feet wide

**III. FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING**

**CURRENT LAW:** Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of shoreland-wetland zoning, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

**PROPOSAL:** Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of shoreland-wetland zoning, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat (*no change to current law*).

**Retaining Walls.** Retaining walls may be permitted within the shoreland setback area if necessary to control on-going erosion that other nonstructural methods cannot address, and if the primary buffer is preserved or restored.

**IV. MINIMUM LOT SIZE - SINGLE FAMILY HOMES, DUPLEXES AND COMMERCIAL DEVELOPMENT**

**CURRENT LAW:** Lots served by public sanitary sewers shall have a minimum average lot width of 65 feet and a minimum area of 10,000 square feet.

Lots not served by public sanitary sewers shall have a minimum average lot width of 100 feet and a minimum area of 20,000 square feet.

**PROPOSAL:** Construction may occur on nonconforming lots that were recorded before the county shoreland zoning ordinance first took effect if all setbacks and other standards can be met (see Section VII). For conforming lots, the following options have been outlined:

**Lot Size**

**Proposal A**

All lots shall have a minimum area of 20,000 square feet and a minimum lot width of 100 feet.

**Proposal B**

Lots served by public sanitary sewers shall have a minimum area of 10,000 square feet and a minimum lot width of 65 feet.

Lots not served by public sanitary sewers shall have a minimum area of 20,000 square feet and a minimum lot width of 100 feet.

**Minimum Buildable Area:****Proposal A**

At the time of platting or subdivision, lots shall have at least 5,000 square feet of land that is not wetland or floodway.

**Proposal B**

No buildable area limit.

## V. MULTIPLE FAMILY DEVELOPMENT AND CONSERVATION SUBDIVISIONS

**CURRENT LAW:** Current law dictates that multiple family development would have to meet the same lot size requirements as single family residential development.

Conservation subdivisions and multiple family developments that dedicate a portion of the property in a permanent conservation area are encouraged to more adequately protect the natural resource features of a shoreland property.

**PROPOSAL:** In order to qualify for reduced lot sizes:

- Both conservation subdivisions and multiple family developments must permanently dedicate at least 15% (not including the primary buffer and secondary buffer areas) of the parcel as a conservation area.
- Conservation areas within a conservation subdivision or multiple family development must include any special natural resource features on the property.
- Permitted uses in the conservation areas are limited to open space activities that promote, enhance, preserve and/or restore the natural resource values of the area.

For each 10% increase in the size of the conservation area, 10-foot increase in the OHWM setback or 10-foot increase in primary buffer depth, the lot size may be reduced by 10% (beginning with the minimum lot size). Reduced lot sizes shall not be less than 7,500 square feet for each dwelling unit and a multiple family development must have a minimum of 100 feet of frontage at the ordinary high water mark for the first unit and 50 feet of frontage for each additional unit.

### **DEFINITIONS – SECTION V:**

**“Conservation Subdivision”** means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible. (DOA)

**“Conservation Area”** means a primarily contiguous portion of a lot, combination of lots or a subdivision that is restricted by a permanent conservation easement that complies with the requirements in s. 700.40, Wis. Stats.

**“Dwelling Unit”** means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. [Comm 20.07(27)].

**“Multiple Family Development”** means any building that contains 2 or more dwelling units.

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## VI. IMPERVIOUS SURFACE LIMITS

**CURRENT LAW:** No standards in the current rule

**PROPOSAL:**

**Proposal A**

Impervious surfaces within shorelands may not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff.

**Proposal B**

No limit on impervious surfaces.

NOTE: BMP's are being designed to implement the Nonpoint rules.

### **DEFINITIONS – SECTION VI**

“**Impervious surface**” is defined in s. NR 151.002 (17) to mean “any paved or structural surface that limits or impedes infiltration or causes additional runoff. Such surfaces include, but are not limited to buildings, structures, decks, patios, walkways, driveways and parking areas.”

“**Shorelands**” means the area within the following distances from the ordinary high–water mark of navigable waters, as defined under s. 281.31 (2) (d):

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high–water mark of the lake.
2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

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## VII. NONCONFORMING STRUCTURES

**CURRENT LAW:** The alteration of, addition to, or structural repair of nonconforming structures may be limited to 50% of the equalized assessed value of the nonconforming structure over the life of the structure.

**PROPOSAL:** Unlimited ordinary maintenance and repairs are allowed on principal and accessory structures, including the limited repair and replacement of existing structural components.

- Nonconforming principal structures located within the primary buffer may not be expanded.
- Nonconforming principal structures located within the secondary buffer may be expanded. Vertical and landward expansion is preferred. If expansion on the landward side is not possible, the county may permit limited expansion based on site characteristics and consideration of the purposes of the shoreland management program and local shoreland zoning ordinance.
- When a permit is issued for the structural alteration or expansion of a nonconforming structure, the primary buffer must be preserved or restored and additional mitigation may be required.
- Nonconforming accessory structures may not be expanded.
- Patios and decks are allowed within the shoreland setback area if the structure meets the requirements of s. 59.692 (1v), Wis. Stats.
- Structures undergoing major reconstruction must be relocated to a compliant building location. Construction may occur on nonconforming lots that were recorded before the county shoreland zoning ordinance first took effect if all setbacks and other standards can be met (see Section VIII).

**Minimum Size to be Eligible for Expansion:**

**Proposal A**

To expand, the principal structure must be at least 750 square feet or meet the minimum housing size area required by the county in general zoning.

**Proposal B**

There is no minimum size required for a principal structure to be expanded.

**Size of Additions:**

**Proposal A**

Additions to a principal structure in the secondary buffer shall not expand the structure beyond a habitable living area of 1,500 square feet.

**Proposal B**

Additions to a principal structure in the secondary buffer shall not enlarge the footprint of the structure beyond 1,500 square feet and the habitable living area shall not exceed 2,500 square feet.

**Structures in More than One Setback Zone:**

**Proposal A**

When a structure straddles zones, the structure will be subject to the more restrictive provisions.

**Proposal B**

When a structure straddles zones, the regulations of the zone where the modification is proposed shall prevail.

***DEFINITIONS – SECTION VII***

**“Nonconforming Structure”** means a structure whose dimensions, location or other physical characteristics do not conform to the standards of the current zoning ordinance.

**“Structural Components”** means the supporting elements of a structure. Supporting elements include, but are not limited to the framework of the exterior walls, the roof of a building, rafters, joists, posts, columns, beams, girders and the foundation.

**“Ordinary Maintenance and Repair”** means anything less than major reconstruction and includes both structural and non-structural repairs.

**“Footprint”** means that portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane, not including the area occupied by patios, decks or overhangs.

**“Habitable Living Area”** means the floor area of those portions of a building that can be used for human habitation, regardless of whether or not the area is actually used for human habitation at a particular time. The term "habitable living area" does not include detached garages, but may include basement areas that are suitable for use as living space or house egress under Comm 21.03(6), Wis. Admin. Code.

**“Major Reconstruction”** means

**Proposal A**

Reconstruction or replacement of 25% or more of the structural components of a building or 50% or more of the linear perimeter of the structure, whichever is less.

**Proposal B**

The removal and replacement of all, or virtually all, of the structural components of a structure with the exception of the foundation.

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## VIII. OHWM SETBACK REDUCTIONS and NONCONFORMING LOT PROVISIONS

**CURRENT LAW:** 1) Unless an existing pattern of development exists, a setback of 75 feet from the OHWM of an adjacent body of water shall be required for all buildings and other structures. 2) There are no provisions to create building envelopes in the current rule.

**PROPOSAL:** Construction may occur if all setbacks and other applicable standards can be met, even if the lot is substandard in size, provided that the lot was a legal lot of record at the time that the original county shoreland zoning ordinance took effect, and provided that the lot is in separate ownership from abutting lands.

If a substandard-sized lot and abutting lands have the same owners, the nonconforming lot may not be sold or developed separate from the abutting land unless the parcel is re-divided into lots that comply with current minimum lot size requirements.

If a compliant building location is not available on a legal lot of record (conforming or nonconforming), the setbacks may be reduced to create a building envelope subject to the following provisions and one or more of the following approaches:

- The only structures allowed within the building envelope are a residence, garage and structures meeting the requirements of s. 59.692(1v), Wis. Stats.
- Structures shall not be larger than limits placed on the expansion of nonconforming structures.
- The primary buffer must be preserved or restored and additional mitigation may be required.

### OPTIONS FOR A TIERED APPROACH:

1. **Setback Averaging Approach:** To create a compliant building location, the OHWM setback may be averaged to the OHWM setbacks of the two adjacent principal structures. The two adjacent principal structures must be within 100 feet on both sides of the proposed building site and built at less than the required OHWM setback. The OHWM setback may not be reduced to less than the primary buffer.
2. **Setback Formula Approach:** If a compliant building location is not available, a 30-foot deep building envelope may be created by first reducing the roadway setback as much as allowed by its governing body and then reducing the OHWM setback up to the primary buffer.
3. **Reasonable Use Approach:** If a compliant building location is not available using the setback reduction approach, the lot may be developed subject to the following conditions:
  - A public sanitary sewer, a cluster septic system or a decentralized septic system serves the lot, or onsite private sewage system standards can be met [s. 59.70(5), Wis. Stats].
  - A house, garage, and structures meeting the requirements of s. 59.592(1v), Wis. Stats., are the only structures allowed on the lot.
  - The setbacks for structures on the lot shall be determined on a case-by-case basis. First, reduce the roadway setback as much as allowed. Then the ordinary high water mark (OHWM) may be reduced. The setbacks may be reduced until a building envelope 30 feet deep is created. The OHWM setback shall not be reduced beyond 40% of the depth of the lot.
  - The area of the structures on the lot may not exceed 1,500 square feet. For each 1-foot decrease in the OHWM setback beyond the primary buffer, the maximum square footage allowed for structures on the lot shall be reduced 33 square feet. All levels of the structures count towards the cap on square feet, including basements that are suitable for use as living space or house egress under Comm 21.03(6), Wis. Admin. Code.
  - The primary buffer must be restored or preserved. A 15-foot wide envelope is allowed around structures as turf.
  - Best management practices (BMPs) must be implemented and maintained that are designed to control post-construction runoff. BMPs may be placed in primary buffer if no other location is suitable.
  - All structures must either use buildings materials that are consistent with the Lower Wisconsin Riverway Standard Colorization Chart or native vegetation must be planted to screen all structures as viewed from the water.



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## IX. MITIGATION PROVISIONS

**CURRENT LAW:** There are no mitigation standards in the current rule

**PROPOSAL:** Mitigation shall require the preservation or restoration of the primary buffer and may include additional mitigation measures if required by the county.

Additional mitigation measures shall be roughly proportional to the magnitude of the impacts of the proposed project on navigable waters and the shoreland area and may incorporate credits for maintaining existing practices.

### **DEFINITIONS – SECTION VIII**

“**Mitigation**” means actions taken to minimize adverse impacts of development.

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## X. AGRICULTURE

**CURRENT LAW:** There are no specific standards in the current rule that would address agriculture as a different use within the shoreland zone.

**PROPOSAL: Buffers** - Land used for non-structural agricultural practices is exempt from NR 115 buffer standards. (The agriculture sub-chapter will be silent on the implementation and maintenance of agricultural buffers because standards for agricultural buffers will be developed as part of the process to revise NR 151.). Aquaculture ponds, if declared navigable, and horticulture facilities are not exempt from NR115 buffer management standards because NR151 does not apply to them.

Under state statutes, the land adjacent to farm drainage ditches with no previous stream history is exempt from county shoreland zoning regulation if the land adjacent to the farm drainage ditch is maintained in non-structural agricultural use. If land adjacent to a farm drainage ditch is not exempt from county shoreland zoning regulation, the removal of trees and shrubs in the primary buffer area along farm drainage ditches may be permitted if the maintenance work is conducted consistent with the requirements of Chapter 88, Wis. Stats., and if the vegetation removal is limited to the minimum amount necessary to maintain the farm drainage ditch.

**Setbacks and Nonconforming Structures** - The construction of a new agricultural facility or expansion or repair of an existing agricultural facility within the shoreland setback area is allowed if all of the following criteria are satisfied.

- For New Agricultural Facilities:
  - 1) a goal of the new structure is to improve water quality to comply with (a) a required conservation plan, (b) agricultural nonpoint performance standards, or (c) a plan approved by the county Land Conservation Department or the DNR;
  - 2) an alternative site is not economically viable (greater than 115% of cost of structure) or is not available that will meet the water quality goals; and
  - 3) mitigation practices are implemented, including the restoration or preservation of a vegetative buffer, if possible.



- For Existing Agricultural Facilities:
  - 1) the expansion occurs landward of the structure and does not result in a degradation of water quality;
  - 2) an alternative site is not economically viable (greater than 115% of cost of structure) or is not available; and
  - 3) mitigation practices are implemented, including the restoration or preservation of a vegetative buffer, if possible.
- Open fences are allowed within the shoreland setback area if constructed consistent with standards in Chapters 30 and 90, Wis. Stats. Solid fences that are proposed to provide privacy, that are decorative or will serve other purposes, will be regulated like any other structures, and must be set back at least 75 feet from the ordinary high water mark.
- The construction of new residences, and the repair and expansion of existing residences, on agricultural lands will be regulated in the same manner as other residences.

**Mitigation** shall require:

- 1) conformance with agricultural nonpoint rules related to action requiring mitigation, and
- 2) preservation or restoration of a vegetative buffer in the area related to action requiring mitigation.

#### **DEFINITIONS – SECTION X**

“**Agricultural Facility**” means a structure associated with an agricultural practice. [s. 281.16(1)(a), Wis. Stats.]

Note: The term "agricultural facility" does not include a residence located on a farm. Residences on agricultural lands will be regulated in the same manner as other residences.

“**Agricultural Practice**” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising. (s. 281.16(1)(b), Wis. Stats.)

## **XI. FORESTRY**

**CURRENT LAW:** There are no specific standards in the current rule that would address forestry as a different use within the shoreland zone.

#### **PROPOSAL:**

##### **Forest Management Activities:**

Forest management activities are exempt from NR115 buffer standards if Wisconsin’s voluntary “Wisconsin’s Forestry Best Management Practices for Water Quality” (PUB FR-093 2003) are applied.

##### **Special Areas Management Activities:**

Special area management activities are exempt from NR115 buffer standards if consistent with a department approved management plan and the plan is referenced or filed with the county as specified in the ordinance, or if consistent with a management plan developed by a professional natural resource manager and the plan is filed with the county as specified in the ordinance.

#### **DEFINITIONS - SECTION XI**

**"Forest Management Activities"** means actions taken to establish, maintain or enhance forestland including, but not limited to, planting trees, thinning and trimming trees, and harvesting timber and other forest products.

**"Forest Land"** means any area on which trees exist, standing or fallen, alive or dead, that are primarily grown because they are valuable for forest products, watershed or wildlife protection or non-residential recreational

uses in contrast to areas where shade or ornamental trees are grown primarily because they are valuable for landscape, aesthetic, agricultural or similar purposes.

NOTE: A parcel of land need not be designated as managed forest land under ss. 77.80 to 77.91, Stats., or be enrolled in any other forest management program to be considered "forest land."

“**Special Area Management Activities**” means actions taken to establish, maintain or enhance native plant communities or fish or wildlife habitat including, but not limited to, forest management activities, prairie restoration, wetland restoration and removal of exotic species.

## **XII. RECREATIONAL AREAS**

**CURRENT LAW:** There are no specific standards in the current rule that would address recreational areas as different uses within the shoreland zone.

### ***PROPOSAL:***

#### **Viewing Access Corridors**

VAC's may be consolidated for public or privately-owned recreational areas that provide public access to the water using the same percentage of frontage for viewing access corridors as is allowed for residential development (no 30 or 50 foot limit per property).

#### **Campgrounds**

Sites where manufactured homes or other permanent structures such as park model mobile homes that are no longer transportable are placed shall not be classified as campground sites and are subject to the same density standards as single family homes. Campgrounds consisting of camping units only may be permitted if all of the following requirements are met:

- New or expanding campgrounds (including time-share or condominium-owned campgrounds) must have a minimum lot size of 5 acres and 200 feet of shoreline frontage for the first 10 sites and an additional 1% of minimum lot size and 10% of minimum shoreline frontage for each additional site;
- For new or expanding public, daily-use campgrounds, the minimum size is 5 acres and 200 feet of shoreline frontage for the first 20 sites and an additional 1% of lot size and 10% of shoreline frontage for each additional site;
- No camping units shall be allowed in the shoreland setback area;
- Camping units are limited to a maximum 30 day stay unless a seasonal occupancy permit is issued;
- Impervious surfaces may not exceed 2,500 square feet or 20% of the lot area located within the shoreland zone, whichever is less, unless the property owner implements best management practices designed to control post-construction runoff;
- Primary buffer must be maintained or restored for new campgrounds or for expansions to existing campgrounds, except for viewing access corridor;
- Only tents and mobile recreational vehicles, as defined in ch. NR 116, are permitted on campsites;
- Accessory recreational and utility structures for campground operations are allowed if all setbacks and other development standards can be met;
- All campgrounds and expansions to campgrounds must meet the standards in ch. HFS 178 and any applicable shoreland density standards; and
- The provisions of ch. NR 116 that apply to campgrounds in floodplain areas must be met.

#### **Public Access Sites**

Counties may permit the construction of new boat ramps for use by the general public in the shoreland setback area and the development of existing public access sites if the following requirements are met:

- Primary buffer must be maintained or restored, except for viewing access corridor;

- Impervious surfaces may not exceed 2,500 square feet or 20% of the lot area located within the shoreland zone, whichever is less, unless the property owner implements best management practices designed to control post-construction runoff;
- Except for locational signs that need to be visible from the water, one multi-purpose sign may be allowed at a public access site within the shoreland setback area. The maximum sign size shall be 4 x 4 feet, two sided with the overall structure size being the minimum necessary to support, shelter and protect the sign. The sign shall be constructed of visually unobtrusive, non-reflective materials or painted/stained to blend in with the natural surroundings, and screened from the waterway with native vegetation;
- The site must meet all federal ADA standards; and
- No structures except paved boat landings or approved signs are permitted in the shoreland setback area. Parking areas may only be permitted within the shoreland setback area if it is not feasible for parking areas to be set back a minimum of 75 feet from the OHWM.

### **Marinas**

Counties may permit the construction of new boat ramps in the shoreland setback area as part of a marina if the boat ramp will be made available for use by the general public.

- Marine fuel pumps are allowed if they meet Department of Commerce standards;
- All structures, except piers, boat hoists and boat ramps, must meet the minimum 75-foot setback for placement of a structure, including fuel storage tanks. Subject to Department of Commerce standards, a combination of rigid piping and flexible hose may be used to supply fuel pumps located in the setback area or on piers;
- Impervious surfaces may not exceed 2,500 square feet or 20% of the lot area located within the shoreland zone, whichever is less, unless the property owner implements best management practices designed to control post-construction runoff;
- Primary buffer must be maintained or restored, except for viewing access corridor, for new or expanded marinas.
- Nonconforming structures must meet the general nonconforming provisions; and
- All applicable Department of Commerce regulations shall apply.

### ***DEFINITIONS – SECTION XII***

**“Campground”** means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area. (NR 116.03)

**“Camping Unit”** means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent. [NR 116.03 and HFS 178.03(4)].

**“Public Daily-Use Campground”** means a campground which is used exclusively for daily fee transient camping purposes and which has no sites which are seasonally leased. (Gary Heinrichs - 2003)

**“Access Site”** means an area of land providing public boat access or carry in access which provides parking for vehicles with or without a trailer. (NR 1.91(2))

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## **XIII. SANITARY REGULATIONS**

**CURRENT LAW:** Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality. (a) Where public water supply systems are not available,

private well construction shall be required to conform to ch. NR 812. (b) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required to comply with ch. Comm 83, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under s. 59.70 (5), Stats.

***PROPOSAL:*** It is no longer necessary for ch. NR 115 to require sanitary regulations in county shoreland zoning ordinances now that a property owner who wants to install a private sewage system is required to apply for a sanitary permit, and comply with ch. Comm 83, Wisconsin Administrative code, and other administrative rules and statutes that are potentially applicable.